



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAY 22 2019

CERTIFIED MAIL 7017 1450 0000 7973 2731
RETURN RECEIPT REQUESTED

Miami-Dade County
Attn.: Mr. Kevin Lynskey
Director, Water and Sewer Department
3071 SW 38th Avenue
Miami, Florida 33146

Re: Consent Decree No. 1:12-cv-24400-FAM
Demand for Stipulated Penalties

Dear Mr. Lynskey:

The U.S. Environmental Protection Agency Region 4 is in receipt of the Quarterly Reports that Miami-Dade County (Miami-Dade) has submitted for the months of January 2017 through December 2018 in compliance with Section IX, Paragraph 32 of the Consent Decree. These Quarterly Reports show that Miami-Dade experienced fifteen (15) total Sanitary Sewer Overflows (SSOs) that reached waters of the United States.

Pursuant to Section X, Paragraph 42.(a) of the Consent Decree and the *Order Modifying Section X of the Consent Decree* (Document 156), the EPA may assess a stipulated penalty for each SSO that reaches waters of the United States in a dollar amount that is dependent on the size of the SSO and when the SSO occurred.

Miami-Dade demonstrated that one (1) of these fifteen (15) SSOs were caused by vandalism and that it had used all reasonable measures to prevent this SSO. In addition, Miami-Dade demonstrated that one (1) of these fifteen (15) SSOs was caused by Hurricane Irma. As a result, Miami-Dade is not liable for stipulated penalties for these two (2) SSOs pursuant to Paragraph 42.(a).(vi) of the Consent Decree.

For the remaining thirteen (13) SSOs, after review of the submitted documentation with respect to the volume and circumstances surrounding each SSO, the EPA hereby demands stipulated penalties in the amount of \$22,000.

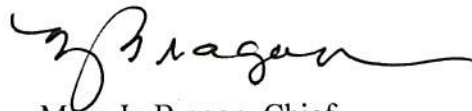
The EPA has received confirmation from the Florida Department of Environmental Protection (FDEP) that it has elected to join in on this demand pursuant to Paragraph 44 of the Consent Decree. As a result, and in accordance with Paragraph 44 of the Consent Decree, Miami-Dade shall pay, within 30 days of receipt of this letter, \$11,000 (50%) of the stipulated penalty to the United States and \$11,000 (50%) of the stipulated penalty to the FDEP for a total stipulated penalty amount of \$22,000. Miami-Dade shall pay stipulated penalties owing to the United States in the manner set forth and with the confirmation notices required by Paragraph 21 of the Consent Decree, except that the transmittal letter shall state that

the payment is for stipulated penalties and shall state for which violation(s) the penalties are being paid. Miami-Dade shall pay stipulated penalties owing to FDEP in the manner set forth in Paragraph 22 of the Consent Decree.

Finally, the EPA has decided to exercise its enforcement discretion to not demand stipulated penalties for Appendix D-2, Projects 2.24 and 4.8 being completed 10 days and 19 days late respectively. These projects were completed late because of hurricanes. In addition, a bid protest, defective valve and failure of new force main when testing the pressure caused a delay for Project 4.8 only.

If you have any questions, please have your attorneys contact Mr. Paul Schwartz, the Associate Regional Counsel assigned to this matter, at (404) 562-9576.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Bragan", with a long horizontal flourish extending to the right.

Mary Jo Bragan, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division

cc: Mr. Jonathan A. Glogau
Office of the Attorney General

Mr. Kirk White
Florida Department of Environmental Protection

Ms. Lisa Self
Florida Department of Environmental Protection

Mayor Carlos A. Gimenez
Miami-Dade County

Mr. Jack Osterholt
Miami-Dade Regulatory and Economic Resources

Ms. Abigail Price-Williams
Miami-Dade County Attorney

Mr. William A. Weinischke
U.S. Department of Justice

Ms. Rachael Amy Kamons
U.S. Department of Justice